

BILL NO. S-89-01-27

SPECIAL ORDINANCE NO. S- 32-89

AN ORDINANCE approving the awarding of Reference #870 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Underground Pipe & Valve, Inc. for for the Water Maintenance and Service Department.

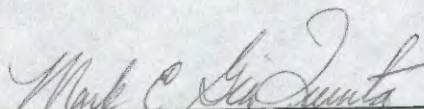
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #870 between the City of Fort Wayne, by and through its Department of Purchasing and Underground Pipe & Valve, Inc. for the Water Maintenance and Service Department respectfully for:

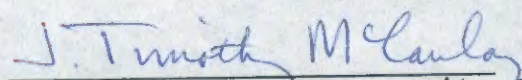
the purchase of fire hydrants for new installations and/or replacement hydrants for 1989 for the Water Maintenance and Service Department;

involving a total cost of Sixty-One Thousand Six Hundred Seventy-One and 25/100 Dollars (\$61,671.25) all as more particularly set forth in said Reference #870 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council member

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Reference # 870

Department Water Maintenance

Date 1/10/89

PURCHASING INFORMATION

Advertised Bid YES Opening Date 12/15/88
Dates Advertised 11/25/88, 12/2/88

Written Quote _____ Due Date _____

Verbal Quote _____

Number of Vendors Notified 12

Number of Vendors Requesting Bid Information 3

Number of Vendors Responding 3

Number of Vendors Disqualified 1

Number of Vendors not Responding 9

Date Sent to Department for Recommendation 12/16/88

Date Recommendation is Received in Purchasing 1/9/88

Information Sent to Law Department 1/10/89

Introduction Date 1/24/89

Discussion Date _____

Passage Date _____

Ordinance # _____

Amount Approved and/or Spent Last Year, if Applicable \$19195.00

REFERENCE NO. 870
WATER MAINTENANCE
FIRE HYDRANTS

DESCRIPTION	TREATY	UNDERGROUND	WATER PROD
5 1/2'	\$536.78	\$497.59	DISQ. DUE TO
4 1/2'	\$513.76	\$476.49	FRONT PAGE
DELIVERY TIME	3 TO 4 WKS	3 WKS	NOT FILLED IN
FOB	FW	FW	CORRECTLY

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: December 15, 1988 @ 11:00 AM BID REFERENCE # 870

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A. M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR 100+/- 5½ bury, fire hydrants and
25+/- 4½ Bury, fire hydrants

AND REQUESTED BY Water Maintenance & Service

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED ON THE THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A X 5% BID BOND OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____ %
IF PAID WITHIN Net 30 DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME UNDERGROUND PIPE & VALVE INC

STREET ADDRESS 1100 PRAIRIE AVE

CITY SO. BEND IN

BY James P Butler PHONE 219-282-2323
REPRESENTATIVE SIGNATURE

UNDERGROUND PIPE & VALVE, INC.

MAIL: P. O. BOX 508

YARD: 1100 PRAIRIE AVENUE

SOUTH BEND, INDIANA 46624

(219) 282-2323

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of \$ 61,671.25. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivered as follows:

WITHIN 21 DAYS (3 WEEKS) A.R.P.

/___/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ 0 per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

UNDERGROUND PIPE & VALVE, INC.

MAIL: P. O. BOX 503

YARD: 1100 PRAIRIE AVENUE
SOUTH BEND, INDIANA 46624
(219) 282-2323

BRAND NAME

CATALOG NO.

AMERICAN

B-62B

CLOW

F-2500

KENNEDY

K-81A

MUELLER

CENTURION

COST FOR EACH 5½' Bury, Fire Hydrant
(Est. Qty. of 100 +/-)

\$ 497.59

STATE BRAND AND MODEL NUMBER CLOW F 2500

COST FOR EACH 4½' Bury, Fire Hydrant
(Est. Qty. of 25 +/-)

\$ 476.49

STATE BRAND AND MODEL NUMBER CLOW F 2500

DELIVERY TIME A.R.O. 3 WEEKS

F.O.B. FT WAYNE, IND

PRICES MUST BE FIRM UNTIL DECEMBER 31, 1989



The City of Fort Wayne

RECEIVED FEB - 8 1988

February 4, 1988

Mr. James P. Butler
Underground Pipe and Valve, Incorporated
P.O. Box #508
South Bend, Indiana 46624

RE: Affirmative Action Plan

Dear Mr. Butler:

This letter is to notify you that your Affirmative Action Plan has been received by the City of Fort Wayne, Indiana. Equal Employment Opportunity and Affirmative Action are very important to the City of Fort Wayne and to the people of our community. We look forward to assisting you in reaching our mutual goals. Your plan will be in effect for one year and the expiration date is February 2, 1989. Thank you for your cooperation.

Sincerely,

Joe Adams

Joe Adams
Compliance Officer

JA/kas

cc: Charles Bailey

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)
South Bend, IN.

Date: December 15, 1988

1. Governmental Unit: City of Fort Wayne, IN
2. County: Allen
3. Bidder (Firm): Underground Pipe & Valve, Inc.
 Address: P.O. Box 508 617 Ley Road
South Bend, IN Fort Wayne, IN
4. Telephone Number: 1-800 262-2773 219-282-2323
5. Agent of Bidder (if applicable): James P. Butler

Pursuant to notices given, the undersigned offers bid(s) to Purchasing Dept. City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

James P. Butler
James P. Butler
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
	100	EACH	5 1/4 Clow F2500 Fire Hyd.	497.59	49,759.00
	25	EACH	" " " "	476.49	11,912.25
					61,671.25

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
St. Joseph COUNTY)

ss:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Underground Pipe & Valve, Inc.

Bidder (Firm)

James P. Butler James P. Butler
Signature of Bidder or Agent
Dec. 15, 1988

Subscribed and sworn to before me this

15th

day of

Dec.

88

My Commission Expires: Sept. 9, 1992

County of Residence: St. Joseph

Notary Public

Helen Luck

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date:

INDIANAPOLIS, INDIANA

BID OR PROPOSAL BOND

Know all Men by these Presents,

That we, Underground Pipe and Valve, Inc.

of South Bend, Indiana (hereinafter called the Principal),
as Principal, and AMERICAN STATES INSURANCE COMPANY (hereinafter called the
Surety), as Surety, are held and firmly bound unto City of Fort Wayne, Purchasing
Department, Fort Wayne, Indiana

(hereinafter called the Oblige) in the penal sum of _____ 5% of amount bid _____ Dollars (\$ _____) for the payment of which the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED and SEALED this 15th day of December 1988.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas the Principal
has submitted or is about to submit a proposal to the Obligee on a contract for _____
furnishing fire hydrants _____

NOW, THEREFORE, if the said contract be timely awarded to the Principal and the Principal shall, within such time as may be specified, enter into the contract in writing, and give bond, if bond be required, with surety acceptable to the Obligee for the faithful performance of the said contract, then this obligation shall be void; otherwise to remain in full force and effect.

UNDERGROUND PIPE AND VALVE, INC.

AMERICAN STATES INSURANCE COMPANY

By Barbara L. Horvath

Attorney-in-Fact

American States Insurance Company

INDIANAPOLIS, INDIANA

KNOW ALL MEN BY THESE PRESENTS, that American States Insurance Company, a Corporation duly organized and existing under the laws of the State of Indiana, and having its principal office in the City of Indianapolis, Indiana, hath made, constituted and appointed, and does by

these presents make, constitute and appoint _____

----- LYMAN C. CURTIS, PEGGY L. MILLER, CURTIS A. FEY AND BARBARA L. HORVATH -----

(Jointly or Severally)

of South Bend and State of Indiana
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and

deliver any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, provided,

however, that the penal sum of any one such instrument executed hereunder shall

not exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS -----

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. This Power of Attorney is executed and may be revoked pursuant to and by authority granted by Section 7.07 of the By-Laws of the American States Insurance Company, which reads as follows:

"The Chairman of the Board, the President or any Vice-President shall have power, by and with the concurrence with the Secretary or any Assistant Secretary of the Corporation, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Corporation may require or to authorize any one of such persons to execute, on behalf of the Corporation, any bonds, recognizances, stipulations and undertakings, whether by way of surety or otherwise"

IN WITNESS WHEREOF, American States Insurance Company has caused these presents to be signed by its Vice-President, attested by its

Assistant Secretary and its corporate seal to be hereto affixed this 8th day of January

A. D. 19 86

(SEAL)

ATTEST: _____

Assistant Secretary

STATE OF INDIANA }
COUNTY OF MARION } SS:

AMERICAN STATES INSURANCE COMPANY

By _____

Assistant Vice-President

On this 8th day of January, A. D., 19 86, before me personally came

Alanson T. Abel

_____ to me known, who being by me duly sworn, acknowledged the execution of the above instrument and did depose and say: that he is a Vice-President of American States Insurance Company; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said Corporation; and that he signed his name thereto under like authority. And said

Alanson T. Abel further said that he is acquainted with Dan W. Guio and knows him to be the Assistant Secretary of said Corporation; and that he executed the above instrument.

MY COMMISSION EXPIRES

February 5, 1989

My Commission Expires

STATE OF INDIANA }
COUNTY OF MARION } SS:

Carolyn Strader
Carolyn Strader residing in the County of
Marion

I, Dan W. Guio, the Assistant Secretary of AMERICAN STATES INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said AMERICAN STATES INSURANCE COMPANY, which is still in full force and effect.

This Certificate may be signed and sealed by facsimile under and by the authority of Section 8.03 of the By-Laws of AMERICAN STATES INSURANCE COMPANY which reads as follows:

"All policies and other instruments of insurance issued by the Corporation shall be signed on behalf of the Corporation by the president or a vice-president and the secretary or an assistant secretary, whose signatures, if the instrument is duly countersigned by an authorized representative of the Corporation, may be facsimiles. Such signatures and facsimiles thereof shall be authorized and binding upon the Corporation notwithstanding the fact that any such officer shall have ceased to be such officer at the time such policy or other instrument of insurance shall have been actually issued by the Corporation."

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation, this 15th day of December

A. D., 19 86

(SEAL)

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of UNDERGROUND PIPE + VALVE INC, does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of UNDERGROUND PIPE + VALVE INC, that UNDERGROUND PIPE + VALVE INC does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed this 15TH day of DEC, 1988.

UNDERGROUND PIPE + VALVE INC
(Name of Bidder/Vendor)

James P Butler
(Name and Title of Person Signing)

President

Read the first time in full and on motion by Henry, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOSS~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>STIER</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 2-14-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-32-89

on the 14th day of February, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of February, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of February, 1989, at the hour of 2:15 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

J.89-01-27

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 870 with respect to the purchase of fire hydrants for the Water Maintenance and Service Department for 1989. The cost reflects the lowest and most responsible vendor.

EFFECT OF PASSAGE: Hydrants will be used for new installations and or replacement of existing hydrants.

EFFECT OF NON-PASSAGE: We could not install new fire hydrants or replace obsolete or damaged hydrants, thus leaving some areas without fire protection.

MONIES INVOLVED: Underground Pipe \$61,671.25 +/-

SOURCE OF FUNDING: Water Maintenance and Service
Fund Line: 513-523-W154-4299

BILL NO. S-89-01-27

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #870 by the City of Fort Wayne, Indiana, by
and through its Department of Purchasing and Underground Pipe &
Valve, Inc. for the Water Maintenance and Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

Mark E. GiaQuinta MARK E. GIAQUINTA

CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

VICE CHAIRMAN

David C. Long DAVID C. LONG

PAUL M. BURNS

Samuel J. Talarico SAMUEL J. TALARICO

CONCURRED IN

2-7-89

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk